

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATIONAL RAILROAD PASSENGER CORPORATION,) 3:11-cv-00461-HDM-VPC

Plaintiff,) ORDER

vs.)

JOHN DAVIS TRUCKING COMPANY, INC.,)

Defendant.)

JOHN DAVIS TRUCKING COMPANY, INC.,)

Counterclaimant,)

vs.)

NATIONAL RAILROAD PASSENGER CORPORATION, UNION PACIFIC RAILROAD COMPANY, and DOES 1-5,)

Counterdefendants.)

UNION PACIFIC RAILROAD COMPANY,)

Counterclaimant,)

vs.)

JOHN DAVIS TRUCKING COMPANY, INC.,)

Counterdefendant.)

Before the court is John Davis Trucking's ("JDT") motion in limine #2 (#420) and Amtrak and Union Pacific's response thereto (#426). JDT seeks to preclude the expert opinions of Amtrak and

1 Union Pacific's non-retained experts on the grounds that the
2 disclosure of these experts does not satisfy the requirements of
3 Federal Rule of Civil Procedure 26(a)(2)(C)(ii). The motion in
4 limine (#420) is denied as to non-retained experts Ted Bushnik and
5 Mike West. As to the remaining witnesses, Amtrak and Union
6 Pacific's disclosures reference and rely on documents produced
7 during discovery, cited as NRPC 02749-02813, NRPC 02820-03054, UPRR
8 01312-1406, and UPRR 00856-00877. These documents have not been
9 provided in the relevant pleadings. The court therefore does not
10 have sufficient information before it to rule on JDT's objections.
11 As to the remaining witnesses, then, the motion in limine is **DENIED**
12 **WITHOUT PREJUDICE**, unless and until the documents incorporated by
13 reference in Amtrak and Union Pacific's expert disclosures have
14 been provided to the court.

15 IT IS SO ORDERED.

16 DATED: This 6th day of May, 2014.

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18 UNITED STATES DISTRICT JUDGE
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